

ORIGINAL

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 MARTIN SANDOZ,

PLAINTIFF,

4
5 -against-

Case No.:
17-cv-5447 (VSB)

6
7 CITY OF NEW YORK and DEPARTMENT OF CORRECTION
8 COMMISSIONER CYNTHIA BRAUN,

DEFENDANTS.

9 -----X
10
11 DATE: February 8, 2019

12 TIME: 9:42 A.M.
13
14

15 DEPOSITION of the Plaintiff, MARTIN
16 SANDOZ, via videoconference, taken by the Defendants,
17 pursuant to a Notice and to the Federal Rules of Civil
18 Procedure, held at Diamond Reporting & Legal Video, 150
19 Broadway, 13th Floor, New York, New York 10038, before
20 Jennie Siolidis, a Notary Public of the State of New York.
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25

1 A P P E A R A N C E S:

2

3 MARTIN SANDOZ
4 Plaintiff Pro Se

5

6 ZACHARY W. CARTER, ESQ.
7 CORPORATION COUNSEL
8 NEW YORK CITY LAW DEPARTMENT
9 Attorneys for the Defendants
10 100 Church Street
11 New York, New York 10007
12 BY: ADRIA BONILLAS, ESQ.

13 - and -
14 KAVIN THADANI, ESQ.
15 File #: 2017-064115
16 Control #: 19-0180
17 abonill@law.nyc.gov

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20

21 ALSO PRESENT:

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23 MARCO ANDRADE
24 Spanish Interpreter

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1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED by and between
5 the counsel for the respective parties herein that the
6 sealing, filing and certification of the within deposition
7 be waived; that the original of the deposition may be
8 signed and sworn to by the witness before anyone authorized
9 to administer an oath, with the same effect as if signed
10 before a Judge of the Court; that an unsigned copy of the
11 deposition may be used with the same force and effect as if
12 signed by the witness, 30 days after service of the
13 original & 1 copy of same upon counsel for the witness.

14

15 IT IS FURTHER STIPULATED AND AGREED that all
16 objections except as to form, are reserved to the time of
17 trial.

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25

M. SANDOZ

1 M A R C O A N D E A D E, a Spanish interpreter, solemnly
2 swore to translate the following questions from English to
3 Spanish and answers from Spanish to English:

4 M A R T I N S A N D O Z, called as a witness, having been
5 first duly sworn, through an interpreter, by a Notary
6 Public of the State of New York, was examined and testified
7 as follows:

8 EXAMINATION BY

9 MS. BONILLAS:

10 Q. Please state your name for the record.

11 A. Martin Sandoz.

12 Q. What is your address?

13 A. You mean Clinton address or the one on the
14 street?

15 MS. BONILLAS: Clinton.

16 A. Clinton Correctional Facility, 2001, Dannemora,
17 New York.

18 Q. Good morning, Mr. Sandoz. My name is Adria
19 Bonillas. I represent Defendant City of New York and
20 Commissioner Cynthia Braun in this action which you have
21 brought which is pending in the Southern District of New
22 York.

23 The purpose of this deposition is for me to ask
24 you questions about the incident that gives rise to the
25 lawsuit that you've brought.

M. SANDOZ

1 Before we begin the deposition, I'm going to give
2 you some rules for the deposition. I ask that you give
3 verbal responses. Please do not say uh-huh or shake your
4 head so that the court reporter can transcribe your
5 response. Do you understand?

6 A. I understand.

7 Q. Please speak clearly so that the court reporter
8 can transcribe the deposition accurately. Do you
9 understand?

10 A. Okay. I understand.

11 Q. If there is any question that I ask that you do
12 not hear, please let me know. Okay?

13 A. Okay.

14 Q. And if there's any question that you don't
15 understand, please let me know, and I'll try my best to
16 rephrase the question. Okay?

17 A. Yes.

18 Q. And unless you tell me otherwise, I'm going to
19 think that you understood and that you heard my question.
20 Okay?

21 A. Okay.

22 Q. Please wait for me to finish my question
23 completely before you answer.

24 A. Yes.

25 Q. Okay. Do you understand that you have taken an

M. SANDOZ

1 oath to tell the truth during this deposition?

2 A. Yes. Yes.

3 Q. Do you understand that the oath that you took
4 today would be the same oath that you would take in a
5 courtroom if this case goes to trial?

6 A. Yes.

7 Q. If at some point during the deposition you
8 realize that a question that you answered was inaccurate or
9 incomplete, please let me know and I will do my best to
10 correct it. Do you understand?

11 A. Yes, I understand.

12 Q. Okay. All right. Mr. Sandoz, what is your first
13 language?

14 A. Spanish.

15 Q. Do you speak any English?

16 A. Very little, but not much.

17 Q. Can you write in English?

18 A. No. No.

19 Q. Have you ever written in English?

20 A. I understand a few words, but I don't understand
21 a lot.

22 Q. Can you repeat that?

23 A. I understand a few little words, but I don't
24 understand much. It's only a few words.

25 Q. Okay. Has anyone helped you with this lawsuit by

M. SANDOZ

1 translating documents into Spanish?

2 A. A friend of mine that has been helping me out
3 with English a little to -- is the one that's been helping
4 me out with the paperwork because I don't understand.

5 Q. Who is the friend helping you with paperwork?

6 A. His name is Carlos Medina.

7 Q. Does he reside at Clinton Correctional Facility?

8 A. He was at the other prison that I was before, but
9 I'm in this prison here. He used to help me with the
10 paperwork over there. But over here, I don't have anybody
11 to help me.

12 Q. And what prison was that at?

13 A. It's called Five Points.

14 Q. Mr. Sandoz, do you understand the rules of the
15 deposition?

16 A. Yes.

17 Q. Okay. Is there any reason at all that you cannot
18 testify fully and accurately today?

19 A. I'm fine to testify.

20 Q. Are you aware of any physical or mental
21 conditions that could interfere with your ability to
22 testify today?

23 A. No. I'm fine.

24 Q. Have you taken any medications in the last
25 24-hour period that could interfere with your ability to

M. SANDOZ

1 testify today?

2 A. No.

3 Q. Have you consumed any alcohol within the last 24
4 hours?

5 A. No.

6 Q. Have you consumed any drugs within the last 24
7 hours?

8 A. No.

9 Q. Are you represented by an attorney today?

10 A. No. I don't have any lawyer. No.

11 Q. Have you ever talked to an attorney about this
12 lawsuit?

13 A. No.

14 Q. Have you ever talked to anyone else about this
15 lawsuit?

16 A. Only the people at the law library. They asked
17 me to give them some information. That's about it. But
18 nobody's helping me out with this.

19 Q. Are the people at the law library staff?

20 A. Confidants. They're just like inmates like me.

21 Q. Are these inmates at Clinton Correctional
22 Facility?

23 A. It's like when you go to these people that help
24 you out in the law library in there. You know, they're
25 there to help you out with this.

M. SANDOZ

1 Q. Okay. Can you give the names of any of those
2 people at the law library?

3 A. I don't know nobody there by name, you know.
4 When I go there, I just go there and ask questions. That's
5 about it. I don't know names.

6 Q. What kind of help do they give you at the law
7 library?

8 A. Anytime I get any paperwork that I need to get
9 filled up, I go there so they can help me out because I
10 don't understand English that much.

11 Q. Does anyone at the law library explain the law to
12 you?

13 A. They explain to me a little bit. They don't
14 explain to me that much.

15 Q. What have they explained to you?

16 A. They told me about the procedures that I have to
17 do in order for me to fill out the paperwork.

18 Q. Was it paperwork to file the lawsuit?

19 A. Yeah. They always help me out to try to get the
20 medical records from the court.

21 Q. Have you received the records that Defendants
22 mailed to you related to this case?

23 A. Yeah, I had some papers. I just don't know what
24 the understanding of those papers means.

25 Q. Did you receive your medical records as part of

M. SANDOZ

1 the documents that were sent by Defendants?

2 A. Yes, I did receive that.

3 Q. Did you have a chance to review them before this
4 deposition today?

5 A. Yes, I saw them. I looked into it.

6 Q. Did you look at any other documents that you
7 received from Defendants before this deposition today?

8 A. Yes.

9 Q. What documents did you look at?

10 A. No. I read all the documents.

11 Q. Do you have any of those documents with you
12 today?

13 A. Not right now. I left it in my cell.

14 Q. Just some background, Mr. Sandoz, can you provide
15 me with your date of birth?

16 A. [REDACTED]

17 Q. Can you tell me your height?

18 A. 6'1".

19 Q. Can you tell me your weight?

20 A. About 200 pounds.

21 Q. If you can remember, can you tell me your weight
22 at the time of the incident?

23 A. About 185 pounds.

24 Q. Have you been known by any other name?

25 A. No.

M. SANDOZ

1 Q. Are you married?

2 A. No. I'm divorced.

3 Q. Do you have any children?

4 A. Yeah. I have two kids.

5 Q. What are their ages?

6 A. Okay. The girl is 11, and the boy is 10.

7 Q. What is your highest level of education?

8 A. 11th grade.

9 Q. Okay. Now, the incident that you are suing about
10 took place while you were in the Department of Corrections'
11 custody; is that correct?

12 A. Yes.

13 Q. Now, throughout this deposition, will you
14 understand if I say DOC when I refer to the Department of
15 Corrections?

16 A. Okay. I understand.

17 Q. And the incident that you're suing about also
18 took place at Anna Kross Center specifically; is that
19 correct?

20 A. Yes, correct.

21 Q. Is it okay if I say AMKC when I refer to Anna M.
22 Kross Center?

23 A. Yeah. I understand.

24 Q. Okay. When did your incarceration at DOC begin?

25 A. I was incarcerated June 25th, 2015.

M. SANDOZ

1 Q. What facility were you housed at when you were
2 first incarcerated?

3 A. M. Kross, that one.

4 Q. What charges did you have pending against you?

5 A. I don't have any charges right now. Right now,
6 I'm serving time for burglary.

7 Q. Okay. So at the time you were first
8 incarcerated, were you charged with burglary?

9 A. Yes.

10 Q. Did that result in a conviction?

11 A. No.

12 Q. Did you take a plea?

13 A. I took time served.

14 Q. I don't know what that means.

15 A. I did some time, and they let me go. That's why.

16 Q. Why are you Upstate now?

17 A. For burglary.

18 Q. And at the time of the incident in 2016, were you
19 in DOC custody for the burglary charge?

20 A. This is the cases that I have now.

21 Q. Okay. When did you transfer to an Upstate
22 facility?

23 A. October 28th, 2016.

24 Q. Mr. Sandoz, I'm going to turn to the incident
25 that you alleged in the complaint. Can you specify the

M. SANDOZ

1 date on which you allege the incident occurred?

2 A. March 20, 2016.

3 Q. And was this at AMKC?

4 A. Yes, correct.

5 Q. And when did you first arrive at AMKC?

6 A. June 25th, 2015.

7 Q. Were you placed in the general population when
8 you arrived at AMKC?

9 A. Yes. After the incident happened, I was put in
10 protective custody.

11 Q. We'll get to that.

12 So you were at AMKC for almost a year before you
13 said this incident happened to you?

14 A. Yes, correct.

15 Q. Where were you housed when you first came to
16 AMKC?

17 A. The booking, the precinct.

18 Q. What housing area at AMKC?

19 A. 11 quality.

20 Q. Do you mean 11 quad?

21 A. It's 11 QL.

22 Q. Okay. Quad lower?

23 A. Yes.

24 Q. How long were you housed in 11 quad lower?

25 A. I was there for about two months.

M. SANDOZ

1 Q. What months were you there for?

2 A. I believe I was there from February 11th that I
3 got to the house. February 11th.

4 Q. Where were you before February 11th, what housing
5 area?

6 A. 18 west.

7 Q. So were you in 18 west from June 25th, 2015 until
8 February 11th of 2016?

9 A. I was there until like February 5th, and I end up
10 with a ticket, and they took me away from the house.

11 Q. What ticket are you talking about?

12 A. It's the kind of ticket that you get when you
13 misbehave.

14 Q. Do you mean an infraction?

15 A. Yes.

16 Q. What did you get the infraction for?

17 A. For some knives that I had.

18 Q. Did an officer find the knives?

19 A. Yes. They found it in my pocket.

20 Q. Did you use the knives?

21 A. No, I didn't use it. I didn't use it. I had
22 them. That's all.

23 Q. What were you charged with in the infraction?

24 A. I don't remember what they gave, but I believe it
25 was possession of a knife.

M. SANDOZ

1 Q. Did you go to a hearing?

2 A. Yes.

3 Q. And what did DOC decide at the hearing?

4 A. They raised my custody to max because the house
5 where I was before, it's not for max. And the house where
6 11 is is for max.

7 Q. So you were placed in -- is it a max security
8 housing?

9 A. That 11 house for maximum custody. That's why
10 they sent me over there.

11 Q. Why did you have the knives?

12 A. You know, they were given to me because something
13 had happened at the house; and they found the knives on me.

14 Q. What do you mean something happened at the house?

15 A. There was a fight that broke out.

16 Q. Okay. Were you involved in the fight that broke
17 out?

18 A. No.

19 Q. When was this fight?

20 A. February 5th.

21 Q. Of what year?

22 A. 2016.

23 Q. And when were you given the knives?

24 A. That same day when it happened.

25 Q. Were you planning to join the fight?

M. SANDOZ

1 A. No. I was going to flush the knives down the
2 toilet, but I didn't get a chance to do that.

3 Q. Did an inmate give you the knives?

4 A. Yes.

5 Q. Why did you take them?

6 A. You know, they handed it to me quick. So I
7 grabbed it to throw it away. That's all.

8 Q. And because DOC staff found the knives on you,
9 you were placed in maximum security housing at quad 11?

10 A. Yes, correct.

11 Q. Before you were transferred to maximum security
12 housing, how was your relationship with the inmates in your
13 housing area?

14 A. Everything was fine. Everybody got along with
15 me. Many people know me.

16 Q. Had you ever gotten into any kind of fight with
17 any inmate before March of 2016?

18 A. No.

19 Q. When you transferred to maximum security housing,
20 did you know any of the inmates in that housing area?

21 A. I knew maybe about two people there. That's it.

22 Q. Did you get along with those two inmates?

23 A. Yes.

24 Q. About how many inmates were in the quad 11 lower
25 housing area?

M. SANDOZ

1 A. Maybe about 30.

2 Q. Did you get to know any of them once you
3 transferred to that housing area?

4 A. I would just say hello to them, not to be close
5 to them, you know. Somebody you cannot trust. You know, I
6 would just say hello to them, how are you, good-bye.

7 Q. Did you know any of the Corrections staff in quad
8 lower 11?

9 A. I was just seeing them, but I would never have
10 conversation with them because I don't speak English.

11 Q. In the housing area that you were at before, were
12 there Corrections staff who spoke Spanish?

13 A. One of the officials, it's a woman that spoke
14 Spanish; but I don't like having conversations with them.

15 Q. Which housing area are you talking about?

16 A. 11 quality.

17 Q. Before you were in 11 quad, the other housing
18 area, did you have friends there who you spoke to in
19 Spanish?

20 A. Yeah. I have friends that spoke Spanish, but no
21 officials.

22 Q. In max security housing or quad 11, did any of
23 the inmates speak Spanish?

24 A. Yes. Yes.

25 Q. You said earlier that you said hello but didn't

M. SANDOZ

1 trust the people in quad 11. Is there a reason why?

2 A. I would just say hello, how are you. But I never
3 had conversations with them.

4 Q. But is there a reason why you didn't -- you said
5 earlier you didn't trust them. Is there a reason why?

6 A. There's no reason because I didn't talk to them.
7 They didn't talk to me. So I wasn't going to get close to
8 them.

9 Q. While you were in DOC custody, were you ever
10 designated as a gang member?

11 A. No.

12 Q. Was there ever a point in time when you were in a
13 gang while in DOC?

14 A. No. I've never been in a gang. I don't like to
15 have a boss.

16 Q. Now, you mentioned that the incident took place
17 on March 20, 2016?

18 A. Yes, correct.

19 Q. Before this incident happened, can you remember
20 anything about that day?

21 A. I don't quite remember what happened before, but
22 I can remember what happened after.

23 Q. Do you remember, did you have court that day?

24 A. Yeah. That, I remember.

25 Q. What were you going to court for?

M. SANDOZ

1 A. For the burglary cases.

2 Q. Did you have multiple burglary charges?

3 A. I had two. I was going to court because I had
4 those cases.

5 Q. What time did you go to court that day?

6 A. About 9:00 a.m.

7 Q. How often were you going to court for your
8 burglary charges?

9 A. Like every three months.

10 Q. And you remember specifically going to court on
11 March 20th, 2016?

12 A. On March 20, I didn't go to court that day.

13 Q. Okay. So when you said that you went to court at
14 9:00 a.m., what day are you referring to?

15 A. Sometime around April, around that time.

16 Q. Can you be more specific?

17 A. I was going to court every three months. But in
18 April, that's when I had the date that I had to go to
19 court.

20 Q. So did you go to court in March of 2016?

21 A. You mean March?

22 Q. Yes. Did you ever go to court in March 2016?

23 A. Sincerely, I don't know if I remember if I went
24 to court in March.

25 Q. So you don't remember if you went to court on the

M. SANDOZ

1 day that you said the incident happened?

2 A. No. That day, I didn't go to court.

3 Q. Okay. Do you remember if you went to lunch that
4 day on March 20, 2016?

5 A. They bring the food to the gallery. They bring
6 it in to us. We don't go to the mass hall.

7 Q. Is that because food is brought to inmates who
8 are in maximum security?

9 A. In that prison, they bring the food to us. They
10 don't bring it to the mass hall.

11 Q. Is that the food process for everyone?

12 A. For that complete prison, yes.

13 Q. Do you remember what time you had lunch that day?

14 A. Maybe about 11:00, so I don't know. I don't
15 quite exactly remember the time that the food came.

16 Q. Did you have dinner that day?

17 A. Yeah. They gave us food that day.

18 Q. Do you remember what time you had dinner?

19 A. No, I don't remember.

20 Q. Do you remember what you did after dinner?

21 A. I spent time in my cell all day.

22 Q. After dinner, did you spend time in your cell?

23 A. I like to spend time in my cell because I like to
24 draw. I like to listen to music.

25 Q. Were you drawing or listening to music in your

M. SANDOZ

1 cell after you had dinner?

2 A. Yes.

3 Q. Mr. Sandoz, can you describe the housing area in
4 quad lower 11, like what it looks like?

5 A. The house has like a little living room. They
6 have a hall that goes right through there. You can see all
7 the cells there.

8 Q. From the hallway, you can see all the cells?

9 A. It's like when you walk through that little hall,
10 the cells are facing one another. They're right there.

11 Q. What about the living room that you talked about,
12 where is the living room?

13 A. When you walk through the door, there's a little
14 living room there with the TV and a little bit of hot water
15 and some tables there.

16 Q. Is it called the living room?

17 A. Yes.

18 Q. Okay. How far down the hallway is the living
19 room?

20 A. I don't understand what kind of distance.

21 Q. I'll back up.

22 Is it one hallway with all of the cells facing
23 each other, or are there multiple hallways?

24 A. The minute you walk through the door, that's the
25 little living room there; and then the hallway begins. And

M. SANDOZ

1 that's where all the cells are facing one another.

2 Q. And you said there's about maybe 30 inmates who
3 are in this housing area?

4 A. It's about 30 cells there.

5 Q. And so the living room is at the beginning or the
6 front of where the hall is before the cells start?

7 A. Yes. It's at the front, and the cells are at the
8 back.

9 Q. How far was your cell from the living room?

10 A. Maybe about 20 cells.

11 Q. Was there an office for DOC staff to be able to
12 monitor the inmates in their cells?

13 A. That's more like in front where all the monitors
14 is to monitor the cells, to open up the cells, that's where
15 they all are. They're more like in front where all the
16 monitors with the controls are to open up and close the
17 cells.

18 Q. Where in front?

19 A. This is the living room. It's about ten feet
20 away from the living room.

21 Q. And is it an office?

22 A. Yeah. It's an office where all the workers are
23 there, the officials.

24 Q. How many officials?

25 A. About two officials. That's it.

M. SANDOZ

1 Q. Did the officials ever leave the office?

2 A. One of the officials call up the other officials
3 to come into the office.

4 Q. Are you referring to a specific time, or are you
5 just saying generally that's the process?

6 A. There's supposed to be one official in the
7 gallery. But, you know, they don't spend time there.

8 Q. When you say gallery, are you referring to the
9 staff office?

10 A. The gallery is where we all find each other. We
11 call that gallery where all the inmates are, get together.

12 Q. Is that different from the living room?

13 A. It's all the same thing.

14 Q. Okay. So do you call the living room the
15 gallery?

16 A. We all call that gallery. That's where all the
17 inmates are.

18 Q. What's inside the living room?

19 A. There's a TV, table to play dominos, cards.

20 Q. Okay.

21 A. We also have hot water so we can cook.

22 Q. Are there windows in the living room?

23 A. Yes.

24 Q. What can you see through the windows?

25 A. You know, you can see all the other buildings

M. SANDOZ

1 around, you know, when you look at that. It's a building
2 that's all together.

3 Q. So do the windows face outside and you can see
4 other buildings that are outside?

5 A. There's one window that you can face out the
6 street. This other window that you can see where all the
7 officials are.

8 Q. Okay. So how many windows are there total, if
9 you can remember?

10 A. About five. There's one wall that has two
11 windows. There's another wall that you can see the
12 officials.

13 Q. When you say you can see the officials, where
14 would the officials be in the housing area from the window?

15 A. There's one window there that's made out of
16 crystal that you can see through that window that the
17 officials are there.

18 Q. When you're looking out that window, where are
19 the officials standing, are they in a room, or where are
20 they in the facility?

21 A. They're in the room where they control all the
22 doors and the cells.

23 Q. If you're looking out of that window, about how
24 many feet away are the officials?

25 A. About ten feet.

M. SANDOZ

1 Q. Okay. Now I want to talk about the incident that
2 you're complaining of in your lawsuit. What were you doing
3 immediately before this incident?

4 A. I was drawing in my cell. Maybe about 8:15,
5 another inmate came by my cell. And I told the inmate to
6 tell the guard to open the cells so I can get out of my
7 cell. I also got out of my cell so I can go get some warm
8 water.

9 Then I walk into the living room, and I noticed
10 that the water was not warm. And there was a movie playing
11 on right now, so I stand by there to watch the movie. And
12 I was standing there. There was two people sitting there,
13 and I remain standing up. And I'm standing up, and I felt
14 that somebody from the back hit me on the back of my head.
15 And I fell down to the ground because I was in a lot of
16 pain. And then the inmate that was hitting me continued to
17 kick me on the floor while I was on the floor.

18 Q. Were the two people who were sitting watching the
19 movie still in the living room?

20 A. It's like when that incident happened, everybody
21 got up.

22 Q. Were the two people who were sitting down
23 inmates?

24 A. There was quite a few inmates that they were
25 watching TV also.

M. SANDOZ

1 Q. So were there more than two inmates in the living
2 room when this happened?

3 A. Yes. Yes. There was more than two. It was a
4 lot of them.

5 Q. Can you be more specific, how many?

6 A. Maybe about 14, 15. I know there was a lot of
7 them in there.

8 Q. Did any of those inmates stay in the living room
9 when you say that an inmate hit you?

10 A. What happened, you know, they all stand up, you
11 know, when the incident was happening.

12 Q. Did they stay and watch the incident?

13 A. Yeah, they stayed there to watch the incident.

14 Q. Were the lights on in the living room when you
15 say that this happened?

16 A. Yes. And I saw some of the inmates stand by the
17 window so the office cannot see what was going on, to block
18 the view.

19 Q. Do you know if any officials were in the office
20 at the time that you say this inmate hit you?

21 A. There was no officials giving me security when
22 that happened.

23 Q. But do you know if any officials were present in
24 the office when you say that this happened?

25 A. You know, they were at the office. But, you

M. SANDOZ

1 know, they weren't at the gallery. They were supposed to
2 have been there.

3 Q. How many did you see in the office?

4 A. When I got out of my cell and I saw there was two
5 officials there at the office.

6 Q. How long were you in the living room getting
7 water and watching TV before you say the inmate hit you?

8 A. Maybe about 15 minutes I was there.

9 Q. Did you see any officials in the office while you
10 were in the living room?

11 A. Yeah. They were at the office.

12 Q. You said earlier that inmates came to the window
13 and blocked the view of the officials while the inmate was
14 hitting and kicking you; is that correct?

15 A. Yes, correct.

16 Q. Do you know how many inmates were there blocking
17 the window?

18 A. Must have been about five because, you know, when
19 I was on the ground, I happen to see there was about five
20 of them there.

21 Q. How were the inmates blocking the window?

22 A. You know, they got up, and they went right to the
23 window. They were just blocking it so they cannot see
24 through it.

25 Q. Do you know if they were blocking it on purpose

M. SANDOZ

1 to prevent someone from seeing what was happening?

2 A. What happened was they were yelling and screaming
3 so the guards cannot know what's going on, could not hear
4 what's going on.

5 Q. Do you think they were yelling and screaming to
6 cover the noise from the fight?

7 A. Yes, correct.

8 Q. During the fight, were you saying anything?

9 A. What happened when I was hit in the head, I fell.
10 What happened, that inmate was kicking me on the ground
11 also.

12 Q. Did you make any noise at all during the fight
13 when you say he hit and kicked you?

14 A. You know, I started screaming so the guards can
15 hear it, you know. And I was continuing getting kicked.

16 Q. But you say the inmates who were watching also
17 started making loud noises to cover up your screaming?

18 A. Yes.

19 Q. Do you remember the movie you were watching?

20 A. All I remember it was an action movie. I can't
21 remember the name.

22 Q. Was the movie still playing while you say the
23 inmate was kicking you?

24 A. I was watching the movie when that happened. You
25 know what I mean?

M. SANDOZ

1 Q. Was the volume loud when the movie was playing?

2 A. Yeah. The volume was very high.

3 Q. Do you remember what the inmates were shouting
4 while you say you were being kicked?

5 A. I don't understand the question.

6 Q. What kind of noises were the inmates making? For
7 example, were they saying words; or were they just
8 shouting?

9 A. They were saying words, and some of them were
10 laughing very loud.

11 Q. Do you remember any of the words that they were
12 saying?

13 A. With the pain that I was in, I was not paying
14 attention what they were saying, you know, all the things
15 that were going on around me.

16 Q. Do you know if the inmate who you say hit you was
17 one of the inmates already in the living room?

18 A. You know, I was on my back. You know, I mean, I
19 don't remember when it happened, whether he was there or
20 not.

21 Q. You were lying on your back facing up, or you
22 were lying on your stomach facing down?

23 A. I was on the side because I was covering my face
24 so I don't get kicked in my face.

25 Q. About how long do you think the fight lasted?

M. SANDOZ

1 A. About a minute, minute and-a-half.

2 Q. Throughout the fight, were you on the ground the
3 whole time?

4 A. Yes. I was on the floor because I was hit so
5 hard I couldn't get up.

6 Q. Were you able to do anything to fight back?

7 A. After I was kicked, I was out of breath; so I
8 couldn't even breathe.

9 Q. Do you know what caused the fight to end?

10 A. I started screaming very loud. That's when he
11 stopped hitting me.

12 Q. Were you screaming louder this time than when he
13 first hit you and began kicking you?

14 A. Yeah. I started screaming very loud so they can
15 hear me.

16 Q. What did the inmate who you say attacked you --
17 did you see him leave the living room?

18 A. Yeah. Once he started to leave and I saw some
19 other inmates leaving with him.

20 Q. Where in the living room did the fight happen?

21 A. There was a corner close to the wall by the TV.

22 MS. BONILLAS: Let's take a quick break just
23 to run to the bathroom.

24 (Whereupon, a short recess was taken.)

25 Q. Mr. Sandoz, how many doors are in the living

M. SANDOZ

1 room?

2 A. Only one. One.

3 Q. And where is the door relative to the TV?

4 A. It's like right next to the TV. Maybe about
5 eight feet by the television.

6 Q. So is the door on the same side of the room as
7 the television?

8 A. Yeah. That's where the door is to get into the
9 living room.

10 Q. Yes. I'm just trying to figure out how far away
11 the door is from where you were lying on the floor.

12 A. It was maybe about 12 feet from the door,
13 somewhere there.

14 Q. When the inmate who you say attacked you left,
15 were you facing the door so that you could see him walking
16 out?

17 A. I was getting up, and I can see that the door is
18 quite a few feet away.

19 Q. But could you see any of the inmates, including
20 the one who you say attacked you, walking out of the door?

21 A. Yes. I saw him walking out of the door because
22 he walked out with about five more inmates that left with
23 him.

24 Q. Were you able to see anything about the inmate
25 who you say attacked you, anything that could identify him?

M. SANDOZ

1 A. He's tall, dark skin.

2 Q. Could you tell his race?

3 A. Black.

4 Q. Could you tell his hairstyle?

5 A. The hairs, they were just like mine, the one I
6 have.

7 Q. Do you know if he had tattoos showing?

8 A. All I know, he's got tattoos on his hands; but I
9 didn't notice anything else.

10 Q. Do you know why this inmate attacked you?

11 A. I don't know why he attacked me. I had no
12 problems with him. I don't know him that well.

13 Q. You said you don't know him that well. Did you
14 know him at all before this happened?

15 A. You know, I saw him. I saw him, but I never
16 spoke to him like that.

17 Q. Did you ever learn his name after this incident
18 happened?

19 A. All I know his nickname because -- they call him
20 Pistol. In English, it's called gun.

21 Q. When did you learn his nickname?

22 A. A week later after the incident happened, that's
23 when I found out that was his nickname.

24 Q. Before this incident, had you ever been attacked
25 in this housing area by anyone?

M. SANDOZ

1 A. No. Never. Never.

2 Q. What about the inmates who were in the room when
3 you say you were attacked, did any of them say anything to
4 you while you were still laying on the floor?

5 A. You know, after I got up and I went to my cell,
6 all those guys came to my cell to threaten me.

7 Q. What did they do to threaten you?

8 A. My door cell was not supposed to be open, so the
9 four of them came into my cell with knives to threaten me.

10 MS. BONILLAS: Can you repeat that back?

11 (Whereupon, the referred to answer was read
12 back by the Reporter.)

13 Q. When was your door cell open?

14 A. What happened when I went out to get some warm
15 water, the neighbor closed the cell, so the whole door was
16 open all the time.

17 Q. How are the cell doors supposed to close, if you
18 know?

19 A. When an inmate comes out of the cell, at that
20 instant, they're supposed to lock the cell.

21 Q. Who are they?

22 A. The official is supposed to shut the door, the
23 officials.

24 Q. How do they know when to close an inmate's cell,
25 do they see when an inmate leaves the cell?

M. SANDOZ

1 A. Yes. They have to see when the inmate comes out.
2 When the inmate comes out of the door, the door supposed to
3 instantly close.

4 Q. Do you know if there's a camera that monitors
5 when an inmate comes out of the cell?

6 A. They're supposed to be having cameras. But the
7 cameras, they didn't have them.

8 Q. Why do you think there was supposed to be cameras
9 there?

10 A. For security.

11 Q. Do you know how the officials can see when an
12 inmate leaves his cell?

13 A. The official has to be attentive. When the
14 inmate leaves the cell, they're supposed to shut down the
15 cell door. When that happened, there was no camera, there
16 was no security, there was nothing there.

17 Q. When was the last time you saw an official in the
18 housing area before you say you were attacked?

19 A. I saw them maybe about 7:00 p.m. when he came by
20 my cell. But when I got out of my cell, I didn't see
21 nobody there, not even in the gallery.

22 Q. When you came out of your cell, did a guard have
23 to let you out so that you could go to the living room?

24 A. Yes.

25 Q. So did you see a guard then when you were leaving

M. SANDOZ

1 your cell?

2 A. I saw him in the office, but I didn't see him in
3 the gallery where he's supposed to be working.

4 Q. In the living room. Okay.

5 How many officials did you see in the office when
6 you were let out of your cell to go to the living room?

7 A. Two, two officials.

8 Q. And about what time was that?

9 A. It was about 8:15. I got out of the cell real
10 quick, and I saw them sitting back there.

11 Q. How many feet away were the officials from the
12 gallery or living room?

13 A. Maybe about 12 feet distance.

14 Q. Why do you think that the official is supposed to
15 be in the gallery instead of the living room?

16 Can I rephrase that? Why do you think that the
17 official is supposed to be in the gallery instead of the
18 office about 12 feet away?

19 A. He has to be guarding the whole section. This is
20 what they get paid for.

21 Q. While you were in that housing area, had you ever
22 seen an official in the living room?

23 A. There's supposed to be one in the office and one
24 in the gallery, you know, two guards. But they were both
25 at the office. Nobody was around.

M. SANDOZ

1 Q. How long were you in the living room after the
2 fight?

3 A. After the fight? After? After that happened, I
4 couldn't even walk. I couldn't even stand up, so I
5 practically crawled myself to my cell.

6 Q. How long did it take for you to get back to your
7 cell after the fight ended?

8 A. Maybe about three minutes.

9 Q. Now, you said you crawled to the cell. Can you
10 describe what you mean by crawled?

11 A. The pain was so hard that I couldn't even walk.
12 I was just crawling as best as I can.

13 Q. But were you walking using your legs?

14 A. I was using my feet like walking. I was not
15 going like a snake. You know what I mean? Nothing like
16 that.

17 Q. So were you just walking but hunched over?

18 A. Yeah. I was holding on to, like, the walls. But
19 I couldn't, like, walk.

20 Q. When after the fight was the first time that you
21 saw an official?

22 A. You know, I was in my cell when all those people
23 came in. But about 9:00, I see the officials closing all
24 the cells. But I was already threatened with my life, so I
25 cannot say anything.

M. SANDOZ

1 Q. Okay. So that I don't -- I'm going to ask the
2 question again.

3 MS. BONILLAS: Can you read it back?

4 (Whereupon, the referred to question was
5 read back by the Reporter.)

6 Q. Only an official.

7 A. It's about 9:00 when everybody goes into the cell
8 that everybody has to go in. That's when I saw the
9 official.

10 Q. About what time was it when the fight ended?

11 A. Maybe about a minute and-a-half or two minutes.
12 That's when the fight ended.

13 Q. Let me ask it this way. Do you know what time it
14 was when you say the inmate attacked you?

15 A. Maybe about 8:30. It was about 8:30, around that
16 time.

17 Q. When you walked back to your cell, did you see
18 any officials in the office?

19 A. Yeah. They were inside the office. They were
20 inside the office.

21 Q. How many were inside the office at that time?
22 Just answer the question that I asked.

23 A. I was so out of it, and I could not see perfect
24 who it was in there; but I went right into my cell.

25 Q. So could you see whether or not there were any

M. SANDOZ

1 officials in the office?

2 A. I know they were there. I didn't see how many
3 officials were there, but they were there.

4 Q. How long after you went back to your cell did the
5 inmates come to threaten you?

6 A. Maybe five minutes after.

7 Q. And you said they walked into your cell?

8 A. Yeah. They got into my cell. It was about four
9 of them.

10 Q. Are you able to close the door to the cell on
11 your own?

12 A. No.

13 Q. So was the cell door wide open when they walked
14 by?

15 A. It was open completely. It was open completely.

16 Q. If you know, when an official is supposed to
17 close your cell door, do you have to go to an official to
18 ask them to open it back up?

19 A. Yes.

20 Q. Why didn't you go to an official after the fight
21 to ask them to open your cell door?

22 A. I went in straight to my cell. I didn't ask
23 anything.

24 Q. But wasn't it supposed to be closed after you
25 left the cell?

M. SANDOZ

1 A. I just wanted to get away from that area where
2 the incident happened. So I started to walk right through
3 the hallways, and I noticed that my cell door was open, so
4 I went in.

5 Q. After this incident, did you ever interact with
6 the inmate you say attacked you?

7 A. No.

8 Q. The inmate who you say attacked you, what did he
9 say when he threatened you in your cell?

10 A. No, he didn't go into my cell. You know what I
11 mean? The other people did, came into my cell.

12 Q. Who are the other inmates that came into your
13 cell?

14 A. They are from the gang called Los Sangres, the
15 Bloods.

16 Q. Was the attacker a Blood?

17 A. Yes, I believe one of the big guys from them.

18 Q. Was the attacker, the person who hit you, a
19 Blood?

20 A. Yes. Correct.

21 Q. How did you know that they were Bloods?

22 A. I can see the way they say hello to each other.

23 Q. What did the inmates who came into your cell say
24 to you when they threatened you?

25 A. You know, they threatened that if I say

M. SANDOZ

1 something, they were going to hurt me.

2 Q. Did they say anything else?

3 A. You know, for me to keep it quiet. But whatever
4 I'm going to be, they're going to come after me. I have to
5 keep it quiet, not to say anything.

6 Q. Did you say anything back to them?

7 A. What am I going to say, you know? They have a
8 knife. I've been threatened.

9 Q. Do you know about what time that was that they
10 came into your cell?

11 A. Maybe about 8:40, 8:45, somewhere there.

12 Q. Did they threaten you in English or in Spanish?

13 A. There's one of them was a Latin guy that spoke
14 Spanish.

15 Q. Did any of the inmates who threatened you in your
16 cell ever interact with you after this incident?

17 A. I see one of them in another prison.

18 Q. Have you been in any other altercation with that
19 inmate or any of the ones who threatened you since this
20 incident?

21 A. No.

22 Q. Do you know where the other inmates went when
23 they left the living room after the fight?

24 A. I don't know where they went. I went to my cell.

25 Q. Did you see any of the inmates from the living

M. SANDOZ

1 room standing in the hallway when you were walking back to
2 your cell?

3 A. I saw one that was at the end of the hallway.
4 That's when I made the decision to go into my cell.

5 Q. Is there any place in the housing area other than
6 the inmate cells and the living room where inmates can
7 congregate?

8 A. I don't understand.

9 Q. I'll rephrase it.
10 Other than the hallway and the living room and
11 the cells, where else can the inmates go in the housing
12 area?

13 A. The only other thing is the shower. There's no
14 other places to go there.

15 Q. So do you know how the other inmates who were
16 part of this fight or who were watching this fight got into
17 their cells, would they have had to ask officials to open
18 their cell doors for them?

19 A. Sometimes the officials leave about five, six
20 doors open.

21 Q. Why do the officials let some of the cell doors
22 stay open?

23 A. Sometimes some of the inmates come out, they
24 leave the door open, sometimes they just leave it open like
25 that.

M. SANDOZ

1 Q. Do you know why the doors are left open, though?

2 A. I don't know. Maybe sometimes they leave the
3 doors open, they don't close it. And sometimes, like, they
4 open the doors and they have other things that they have to
5 do so they leave the doors open.

6 Q. Who has a lot of things they need to do, the
7 inmate or the official?

8 A. Sometimes the officials, you know, when the
9 cellmate comes out, you know, they open up the door so they
10 don't continue to go back to ask them to close the cell.
11 They just leave it open like that.

12 Q. Is that why your cell door was left open, because
13 you were just going to get water?

14 A. Yeah. I came out to get water, so I stick around
15 for a little while to watch a little bit of the movie; but
16 he never shut my door down.

17 Q. Did any of the other inmates who were in the
18 living room when the fight happened ask if you were okay?

19 A. One of the inmates, like, practically walked me
20 to that door. And the minute I got into my cell, he left.

21 Q. What was the inmate's name?

22 A. Emanuel Martinez.

23 Q. Do you know if Mr. Martinez is still at AMKC?

24 A. You know, it's not a place that you can stay
25 there for a long time, just temporary because you're

M. SANDOZ

1 fighting your case.

2 Q. What does Mr. Martinez look like?

3 A. He's very tall, tall, a little chubby.

4 Q. How tall, taller than you?

5 A. He's about 6'3", something like that, somewhere
6 near there.

7 Q. Hairstyle?

8 A. He's got long hair.

9 Q. How long?

10 A. He does those little curls.

11 Q. So he has curly hair?

12 A. Very, very bad hair.

13 Q. But, like, where do his curls fall?

14 A. Those kind of hair, it becomes an afro, that kind
15 of hair.

16 Q. Do you know his ethnicity?

17 A. He's Latin. From where is he from, I don't know.

18 Q. Does he have tattoos?

19 A. I couldn't tell you whether he's got tattoos or
20 not. I don't remember.

21 Q. His skin color?

22 A. He's very dark.

23 Q. Is he black Latino?

24 A. Yes. No. No. He's not, like, black. He's like
25 dark skin. But, you know, he's Latin.

M. SANDOZ

1 Q. Did you ever see officials checking the living
2 room or, like, standing in the living room other than the
3 day of the incident?

4 A. Yeah. That was earlier. That was earlier.

5 Q. Earlier that day?

6 A. I notice there's an official that works in the
7 morning. He sits in the living room. But at 2:00 p.m.
8 when the shift changes, I never saw that official do
9 anything there.

10 Q. You never saw the official who came in the
11 afternoon do anything?

12 A. It's the kind of official who brings stuff to the
13 inmates, those things like that. He's a corrupt official.

14 Q. Who's a corrupt official, the one who works the
15 evening shift?

16 A. Yeah. The one that works around that time.

17 Q. Do the same officials work in the housing area,
18 is it the same officials who keep working in the housing
19 area that you resided in?

20 A. I'm not talking about where I'm at right now.
21 Over there, yes.

22 Q. Right.

23 Just at AMKC, at quad lower 11, was it the same
24 officials working in quad lower 11?

25 A. The steady officials that work there.

M. SANDOZ

1 Q. When you were in quad 11 lower, what did the
2 steady officials look like? Go one-by-one.

3 A. One of them is a little dark skinned. He's a
4 little short.

5 Q. Was this officer working the night that the
6 incident happened?

7 A. Yes.

8 Q. Did this officer normally work night shifts?

9 A. He works from 2:00 to 10:00.

10 Q. What was his name?

11 A. I don't know the name of him.

12 Q. Do you know the shield?

13 A. No, I don't know the number of the shield. I
14 know they call it by B, but I don't know the number of the
15 shield or the name or nothing like that.

16 Q. Do they call him B, like B post?

17 A. Just a B. That's it.

18 Q. Okay. Do you know if that was related to his
19 post?

20 A. All I know they call him B. That's what I know.

21 Q. What was his race if you know?

22 A. Black.

23 Q. Skin color?

24 A. Dark, very dark.

25 Q. Age?

M. SANDOZ

1 A. Maybe about 38, close to 40.

2 Q. Hairstyle?

3 A. His hair is like, you know, combed this way, like
4 that (Indicating.)

5 Q. Is it short hair or long hair?

6 A. It was not long. It was not short. He combs his
7 hair down.

8 Q. So forward toward his forehead?

9 A. Exactly. Yes.

10 Q. Do you know if the officer had any tattoos?

11 A. He always wears a sweater, so something long. So
12 I can never see any tattoos on him.

13 Q. Do you know if he wears any jewelry, like a
14 wedding ring?

15 A. I don't remember.

16 Q. Do the officials ever go upstairs to other
17 floors, do you know?

18 A. The gallery where I was at, you cannot see,
19 there's no stairs you can see when somebody is going up or
20 down.

21 Q. From the hallway, can you see if an officer goes
22 upstairs?

23 A. No. There are two hallways. The question is
24 there are two hallways?

25 Q. No.

M. SANDOZ

1 So are there inmates in holding cells upstairs
2 above your floor?

3 A. No. There's only a first floor. It has a
4 ceiling. You can only see nothing there. That's all.

5 Q. So the housing area itself, your housing area was
6 only one floor?

7 A. Yes. Only floor. Yes. Correct.

8 Q. Now, did there ever come a time when you reported
9 to any correction officers that you were attacked?

10 A. I had to go to the doctor because I couldn't
11 stand the pain anymore. And when I saw the doctor, I told
12 the doctor what had happened to me.

13 Q. When did you first get medical attention for the
14 pain that you say was caused by this fight?

15 A. Maybe about two or three weeks later. And I
16 explained to the doctor what had happened to me.

17 Q. Let me just rephrase the question. Let's back up
18 here.

19 What was the date that you first went to the
20 doctor for this pain?

21 A. Maybe around April 12 or 10, around that time,
22 that's when I went.

23 Q. Do you remember the exact date that you went in
24 April?

25 A. I think it was on the 12th, somewhere around

M. SANDOZ

1 there.

2 Q. When you went to the doctor, was that the first
3 time you told anyone about this inmate attacking you?

4 A. That's when I told the doctor that I explained to
5 him what happened.

6 Q. But was that the first time you told anyone about
7 what happened to you?

8 A. Let me explain to you right. What happened, they
9 moved me from the house to another house. That's when I
10 got the opportunity to tell the doctor what happened to me.
11 Because I was not afraid of my life anymore. That's when I
12 got the chance to explain to the doctor.

13 Q. What day did you switch houses?

14 A. I believe it was the first week of April, April
15 6.

16 Q. Why did you switch houses?

17 A. Because the classification went down to medium.

18 Q. Why did it go down from maximum to medium?

19 A. Because of the good behavior.

20 Q. How long after the fight did you switch houses?

21 A. About two weeks later, they changed me.

22 Q. When you went to the doctor, what injuries did
23 you have?

24 A. The seventh rib was fractured.

25 Q. Is that what you knew, or is that what a doctor

M. SANDOZ

1 told you?

2 A. That's what the doctor told me after they did
3 X-rays on me.

4 Q. What pain were you feeling before you came to the
5 doctor?

6 A. It was a bad pain. I couldn't even get out of
7 bed.

8 Q. Where on your body were you feeling pain?

9 A. On my ribs and my chest because I couldn't even
10 breathe. I have difficulty sleeping.

11 Q. During this time period immediately after the
12 fight, is that when you had trouble sleeping?

13 A. Yeah. I was in a lot of pain. It was also
14 traumatic.

15 Q. Okay. That's not what I asked.

16 I asked, right after this incident happened, were
17 you having trouble sleeping?

18 A. After it happened? After that happened?

19 Q. Yes.

20 A. Yeah. I was in a lot of pain. I couldn't sleep
21 because of the pain.

22 MS. BONILLAS: Let's take a quick break.

23 (Whereupon, a short recess was taken.)

24 Q. Did the doctor diagnose you with any other
25 injuries other than where you mentioned a rib fracture?

M. SANDOZ

1 A. No.

2 Q. What kind of treatment did you receive from the
3 doctor, if any?

4 A. He gave me medication.

5 Q. Do you know what kind of medication?

6 A. That, I don't know. I don't know.

7 Q. Do you know what the medication was for?

8 A. For the pain.

9 Q. How long were you told to take the medication?

10 A. Couple weeks.

11 Q. And did you take it for that amount of time?

12 A. Yes, because it was needed.

13 Q. How many times did you go to the doctor
14 specifically for this injury?

15 A. Three times.

16 Q. And when did your injury heal, if ever?

17 A. It took me months just for me to recover from it.

18 Q. How many months?

19 A. Maybe about six, seven months.

20 Q. Since then, have you had any injuries to your
21 rib?

22 A. No.

23 Q. Before this incident, had you had any injuries to
24 your rib or ribs?

25 A. No, never.

M. SANDOZ

1 Q. Okay. And did the pain eventually subside?

2 A. Yes, it subsided. Yes.

3 Q. How long did it take for the pain to go away?

4 A. Maybe about six, seven months. When I was
5 sleeping, I was in a lot of pain; so I couldn't sleep.
6 That's why it took me a while.

7 Q. Are you able to sleep comfortably today now that
8 the injury is healed?

9 A. Yes. But when I sleep on this side right here
10 (Indicating), I have to get up because I wake up in pain.

11 Q. What side of your body, the left side or the
12 right side, did you feel the pain?

13 A. The left side.

14 Q. Do you feel pain on the left side of your ribs
15 during any other time other than when you sleep on that
16 side?

17 A. Only when I'm sleeping. When I wake up when I
18 feel some pain, that's when I get up. Only that happened.

19 Q. Now, once you told the doctor about this
20 incident, did there come a time when you talked to any DOC
21 staff about the incident?

22 A. When I was with the doctor, he called one of the
23 officials to come in to there so he can sign the papers.

24 Q. So who could sign what papers?

25 A. An official was there when the doctor made the

M. SANDOZ

1 report.

2 Q. What date was this when the official was there
3 watching the doctor make the report?

4 A. April 14 of 2016. The officials had to sign some
5 papers from the doctor also.

6 Q. Did you ever write any statements about this
7 incident for DOC staff?

8 A. Yes. I had to do a grievance that -- it's called
9 grievance.

10 Q. Were you told by an official to write a
11 grievance?

12 A. A person helped me to do the grievance.

13 Q. Who helped you with the grievance?

14 A. A friend of mine.

15 Q. What is your friend's name?

16 A. His name is Eduardo.

17 Q. Do you know Eduardo's last name?

18 A. The last name, I don't know.

19 Q. Can you describe what Eduardo looks like?

20 A. He's Latin, bald, he has no hair, white.

21 Q. Eye color?

22 A. Brown.

23 Q. When did Eduardo help you write this grievance?

24 A. The day of 16th of April.

25 Q. Of what year?

M. SANDOZ

1 A. 2016.

2 Q. Do you have a copy of the grievance?

3 A. Yes, I do have a copy.

4 Q. Can you provide me with a copy of the grievance?

5 A. I can send it to you via mail.

6 Q. Yes.

7 What did you write in your grievance?

8 A. You know, I explained about the accident, that
9 nobody offered me any security, no security at all.

10 Q. Did you file the grievance?

11 A. Yes. Yeah. I did it in one of those papers from
12 one of those notebooks, and I wrote it up, and I put it in
13 there.

14 Q. Where did you put it in, like, what did you put
15 the grievance in?

16 A. At the library, there's a little mailbox in
17 there; so I put it right in there. These people never
18 called me. They never did anything. They never did
19 anything.

20 Q. So are you saying that you never received a
21 response from the grievance that you filed?

22 A. Never. Never. Never responded to me.

23 Q. What language did you write the grievance in?

24 A. In English, because my friend helped me out to
25 write it in English.

M. SANDOZ

1 Q. And this is Eduardo who helped you write it in
2 English?

3 A. Yes. Correct.

4 Q. Did you sign the grievance?

5 A. Yeah. I signed and I put my name and everything
6 with my signature.

7 Q. When you say Eduardo helped you write it, did you
8 write the grievance with your own handwriting?

9 A. What happened is he gave me a piece of paper,
10 wrote it. And what I did is I rewrote it with my own
11 handwriting on another piece of paper.

12 Q. So did Eduardo tell you what to say?

13 A. What I did, I explained to him what had happened,
14 and he wrote it.

15 Q. And after he wrote it in English, you copied it
16 with your own handwriting on a separate sheet of paper?

17 A. Yes, correct.

18 Q. Were you ever interviewed by DOC staff about this
19 incident in person?

20 A. One of those sergeants came to speak with me.

21 Q. Do you know the name of the sergeant that came to
22 speak to you?

23 A. I don't know the name, no.

24 Q. What did you tell the sergeant?

25 A. I explained to the sergeant what happened in the

M. SANDOZ

1 other place where I was living.

2 Q. What do you mean by what happened, did you tell
3 the sergeant that you were assaulted?

4 A. I explained to him what had happened. I
5 explained to him what happened in the other house. Because
6 he also came to me to talk to me about the report, so he
7 asked me what happened to you. So I explained to him what
8 happened.

9 Q. But did you explain that you were assaulted, is
10 that what you mean when you say what happened?

11 A. And I explained to them that I had broken my
12 ribs, that I was hit.

13 Q. Did you tell the sergeant in Spanish?

14 A. He found another inmate so he can translate.

15 Q. They didn't use another correction officer to do
16 the translation?

17 A. No.

18 Q. Who was the inmate that they used to do the
19 translation?

20 A. You know, I don't remember. He just had somebody
21 that speak English and Spanish, and he just called him
22 over.

23 Q. Okay. Did you ever tell the sergeant that there
24 were officials who weren't watching when the attack
25 happened?

M. SANDOZ

1 A. I did explain to him what happened. I also
2 explained to him there was no officials there watching me.

3 Q. What was the date that you gave the sergeant for
4 when this happened to you?

5 A. The same date that I had spoken to the doctor,
6 the sergeant came in at 8:00 at night to talk to me.

7 Q. Okay. When you talked to the sergeant, were you
8 able to provide a date for when you say you were assaulted?

9 A. Yes. Yes, I did tell him the date.

10 Q. What date did you tell the sergeant that this
11 happened to you?

12 A. March 20, 2016.

13 Q. So you're saying you told the sergeant in April
14 of 2016 that this happened to you the month before on March
15 20th, 2016?

16 A. When I spoke to the sergeant, it was April 4,
17 2016.

18 Q. That's not what I'm asking.

19 (Whereupon, the referred to question was
20 read back by the Reporter.)

21 MS. BONILLAS: Let's just move forward.

22 Okay.

23 Q. How long did you wait before first reporting that
24 you were attacked?

25 A. I waited for the time for a sick call on April

M. SANDOZ

1 12th so I can speak to a doctor. That's when I told him.

2 Q. Did you ever make any statements for DOC staff
3 about what happened?

4 A. I couldn't tell anybody about this thing because
5 I was threatened with my life, so I couldn't tell anybody.

6 Q. But once you were asked by officials about what
7 happened, did you make any written statements explaining
8 the attack?

9 A. Yes. I did a grievance on April 16. That's what
10 I'm explaining right now.

11 Q. Other than a grievance, did you write anything
12 else that an official asked you to write?

13 A. You know, the sergeant came to me and took
14 pictures of me. And he brought some paperwork, so that's
15 what I signed.

16 MS. BONILLAS: Can you read it back?

17 (Whereupon, the referred to answer was read
18 back by the Reporter.)

19 Q. And when you signed the paperwork, did you also
20 make a statement on the papers that you signed?

21 A. Yeah. In the statement, I had to explain to him
22 what happened.

23 Q. What did you explain in the statement?

24 A. I explained to them that at house 11, I had a
25 problem there, and that's why they changed me to another

M. SANDOZ

1 house.

2 Q. I thought you were changed to another house for
3 good behavior?

4 A. Okay. Maybe I'm explaining it to you wrong.

5 MS. BONILLAS: We're going to take a really
6 quick break.

7 (Whereupon, a short recess was taken.)

8 Q. Okay. Mr. Sandoz, I'm looking at a document.
9 It's Bates stamped DEF000024. It's titled, "Inmate
10 Voluntary Statement." And it's dated April 15, 2016. Do
11 you remember making a statement on that date?

12 A. Yes.

13 Q. Okay. Now, I'm going to read to you what it
14 says. "A month ago while in Q11 lower light side, someone
15 hit me from behind causing injury to my ribs. Being that I
16 was hit from behind, I do not know who caused the injury."

17 Did you say that to anyone?

18 A. I did explain to them what happened, but maybe
19 they wrote it wrong.

20 Q. You explained to who what happened?

21 A. When the sergeant called me, what happened, the
22 sergeant called another inmate. Then I explained to the
23 inmate what had happened, and this is what he wrote there.
24 I don't know what he wrote there.

25 Q. So are you saying another inmate wrote this

M. SANDOZ

1 voluntary statement on your behalf?

2 A. Yes. The inmate's the one that's writing it as I
3 explained it to him.

4 EXAMINATION BY

5 MR. THADANI:

6 Q. Can you see this?

7 A. Yes, I can see it.

8 Q. Is this your handwriting?

9 A. That's not my writing. I only wrote my name and
10 my signature, but that's not my writing.

11 Q. So that's your signature at the bottom?

12 A. Yes, correct.

13 FURTHER EXAMINATION BY

14 MS. BONILLAS:

15 Q. Now, what is it that the inmate who wrote for you
16 didn't include on here?

17 A. I explained to him that I was hit in the back and
18 I fell on the floor and I was being kicked. He didn't put
19 that in there.

20 Q. Is that the only thing that's wrong with this
21 statement?

22 A. Yeah. He also didn't put down that I saw the
23 inmate when he was walking away.

24 Q. But what's in here right now, is there anything
25 that isn't accurate?

M. SANDOZ

1 A. That is true because I was hit. That's what
2 happened. I was hit. That's what happened.

3 Q. And do you know who the inmate was who helped
4 translate this statement?

5 A. It was the sergeant that called him. I don't
6 know nothing about him.

7 Q. Mr. Sandoz, I have another document that I'm
8 looking at here. It's Bates stamped DEF000025. At the
9 top, it's titled, "Inmate Voluntary Statement." It says --

10 MR. THADANI: Can you see the document?

11 A. Yes.

12 Q. Is that your handwriting?

13 A. That is my signature, but it's not my writing.

14 Q. Now, the date on here is April 14, 2016. Did the
15 sergeant have you make statements on two different days?

16 A. Correct, yes.

17 Q. Why did the sergeant have you come in and make
18 statements on two different days?

19 A. He told me that if I had any problems in the
20 house in the past with anybody there. I said no, it's not
21 the house that I had problems with. It's the other house
22 that I had problems with.

23 Q. Why do you think the sergeant had you make two
24 different statements about what happened to you?

25 A. I don't know why he did that. I don't know.

M. SANDOZ

1 Q. Okay. Was it a different inmate who wrote this
2 statement on April 14th, 2016?

3 A. Yes.

4 Q. Do you know who that other inmate was?

5 A. They call him Tony. Tony.

6 Q. Can you describe what Tony looks like?

7 A. He's very fat, white, with the hair backwards.

8 Q. His hair, does it have gel in it?

9 A. Yeah. He combs it like this. Like this.

10 (Indicating.) He's got a lot of hair on his face, facial
11 hair. (Indicating.)

12 MS. BONILLAS: Let the record reflect that
13 Plaintiff is making a motion as if pulling his
14 hair back to the back of his head. And Plaintiff
15 is also making a motion showing -- touching the,
16 I guess, jaw line area to show that the witness
17 he's referring to has a beard or lots of facial
18 hair.

19 Q. Do you know Tony's age?

20 A. He's about 35, somewhere near 35 years old.

21 Q. How tall is Tony?

22 A. He's short, maybe about 5'6".

23 Q. I'm going to read to you what the document says.

24 A. Okay.

25 Q. "I got hit from behind while 11 house over a

M. SANDOZ

1 month ago. Here, I am doing fine and have no problems at
2 all. I do not need PC at all, for it was an isolated
3 incident that is past and done. I am fine in GP."

4 Do you recall making that statement?

5 A. Yes, I remember. That happened in the old house.
6 It's in the past. After that, the security there put me in
7 protected custody.

8 Q. Did you remain at AMKC?

9 A. They moved me out of that prison for security.

10 Q. Where were you moved to?

11 A. To Brooklyn House.

12 Q. What day were you moved to Brooklyn House?

13 A. I don't remember too much. I don't remember that
14 date.

15 Q. Was it shortly after you made this statement on
16 April 14th, 2016?

17 A. Yeah. Maybe like a week after that.

18 Q. How long were you at the Brooklyn House facility
19 for?

20 A. They kept me there for about five days for the
21 investigation, and they transferred me to OBCC for
22 protected custody.

23 Q. Did you ever hear about the results of the
24 investigation that you're referring to?

25 A. That's why they changed me to protected custody

M. SANDOZ

1 because they knew what happened.

2 Q. I want to turn back to the inmates that were in
3 the living room when the incident happened. You mentioned
4 the name of one inmate named Emanuel. Do you know any
5 other names of inmates who were there?

6 A. It's so hard because everybody has a nickname in
7 jail, but I know Emanuel, you know, is a friend of mine.
8 His name is Emanuel Martinez. That's all I know.

9 Q. Okay. What about the officials in the quad 11
10 housing unit? You described one of them. Can you give me
11 some more descriptions of the officials who were working
12 the night that this happened?

13 A. There's a woman also who's Dominican that speaks
14 a little bit of Spanish that works there at night.

15 Q. What is her tour?

16 MS. BONILLAS: Did he say she works there at
17 night or at 9:00?

18 (Whereupon, the referred to answer was read
19 back by the Reporter.)

20 Q. The Dominican woman, how tall is she?

21 A. Maybe about 5'8", skinny. She's a little bit
22 dark skinned.

23 Q. Hairstyle?

24 A. She wears those braids.

25 Q. Her age?

M. SANDOZ

1 A. Thirty years, somewhere there.

2 Q. Is there any other official who works in quad 11
3 lower that you can describe who works night shifts?

4 A. Night shift? You know, I don't know which
5 schedule we're talking about, the daytime or night. There
6 are two schedules. You know, one is until 2:00. And from
7 2:00 p.m. to 10:00 p.m. is the other one.

8 MS. BONILLAS: Let's take a break.

9 (Whereupon, a short recess was taken.)

10 Q. Mr. Sandoz, do you know what the inmate who
11 attacked you hit you with?

12 A. You know, I didn't see when he hit me from the
13 back. All I remember, he was hitting me when I was on the
14 ground.

15 Q. Did you ever tell any DOC staff that you were
16 afraid someone might attack you?

17 A. I never told that to anybody.

18 Q. And how do you know that the attack happened on
19 March 20th, 2016?

20 A. Because I remember that date. That day, I'm
21 never going to forget.

22 Q. Mr. Sandoz, did you receive in the mail a
23 document from Defendants titled, "Defendants First Set of
24 Interrogatories and Requests for Production of Documents"?

25 A. I've been receiving all these papers, but I don't

M. SANDOZ

1 understand what they mean. I don't understand English.

2 Q. Have you responded to any of them?

3 A. You know, I wrote one because of the legal
4 library, somebody helped me. Otherwise, by myself, I could
5 never do it.

6 Q. Do you know which document you filled out at the
7 law library?

8 A. I don't remember. I don't remember. I don't
9 understand the papers. I don't know.

10 Q. Are you able to respond to the remaining
11 documents that you were sent?

12 A. Because of the help that I've been getting with
13 the writing, that's how I did it.

14 Q. And you're saying that the people who have helped
15 you with the writing are the people at the law library?

16 A. Yes, exactly.

17 Q. So for the remaining documents that you were
18 sent, can you respond to those and send those back to me?

19 A. I've been sending back everything that I've been
20 sent to.

21 FURTHER EXAMINATION BY

22 MR. THADANI:

23 Q. Do you see what I'm holding up here?

24 A. Yes.

25 Q. Do you see the title of the document?

M. SANDOZ

1 A. Yes.

2 Q. Do you remember receiving this?

3 A. I have received plenty of papers that look just
4 like that. I don't know what kind of papers are those.

5 FURTHER EXAMINATION BY

6 MS. BONILLAS:

7 Q. If I send this document to you again, can you get
8 help and then respond to the document and mail it back to
9 me?

10 A. Yes. It's fine. No problem. Sometimes I have
11 to wait for them to respond to me so I can go to the law
12 library. It's not that I can just go there. You know what
13 I mean?

14 Q. Okay. Now, have you talked to anyone about this
15 lawsuit that you filed?

16 A. Yeah, with the person that helped me in the
17 library, explained to me here and there.

18 Q. How did you decide to file a lawsuit?

19 A. Because the person that helped me out explained
20 to me how it was.

21 Q. Who is the person that helped you out?

22 A. It was somebody at A.M. Kross, somebody that
23 helped me.

24 Q. What was the name of the person who helped you?

25 A. I don't remember the name of the person because

M. SANDOZ

1 he was somebody from the law library that helped me out.
2 You know, I explained to him what had happened. I don't
3 know what he put on paper also.

4 Q. Did anyone help you write the complaint that you
5 filed with the court about this lawsuit?

6 A. Yeah, a person helped me.

7 Q. Who wrote the complaint that you filed?

8 A. Somebody at 5.1 in the library that helped me out
9 in there.

10 Q. Is there a certain amount of money that you're
11 looking to get from filing this lawsuit?

12 A. You know, right now, I don't have a specific. I
13 just want to leave this open.

14 Q. So if I asked you today, would you be able to
15 provide a number for how much money you're looking for?

16 A. A million, a million.

17 Q. Got it.

18 Is there anything else that you haven't already
19 talked about today that you think I should know?

20 A. You know, I just want to know what's going to
21 happen to my mental health report, what's going to happen
22 with that.

23 Q. What do you mean by mental health report?

24 A. I haven't received those reports, you know, my
25 medical reports. For the situation that happened, I've

M. SANDOZ

1 been taking medication because of that.

2 Q. Okay. What kind of medication have you been
3 taking?

4 A. You know, because of the whole situation, it's
5 been traumatic, so I've been taking some medication. I
6 don't know what it is. I don't know the name of it.

7 Q. What does it treat?

8 A. It gets me a little nervous. I cannot have
9 people behind me because it gives me panic.

10 Q. When did you begin taking this medication?

11 A. Since December 13, 2016.

12 Q. Where were you incarcerated when you began taking
13 this medication?

14 A. Downstate, they did evaluation to me; and they
15 diagnosed me with something that I don't know what it is.

16 Q. Prior to December 13, 2016, had you received any
17 medication for any kind of mental health?

18 A. They gave me some medication. Then they had to
19 do an evaluation. Then they started giving me more
20 medication because I've been traumatized for what happened
21 to me.

22 Q. When?

23 A. December 13, 2016.

24 Q. So I'm asking before December 13, 2016, were you
25 prescribed any medication for mental health reasons?

M. SANDOZ

1 A. They would give me one medication for the
2 depression.

3 Q. When?

4 A. That was somewhere around August 2016.

5 Q. And before April of 2016, had you received any
6 medication for either depression or anxiety or something
7 else mental health related?

8 A. My whole life, I've been taking medication for
9 anxiety. And then after this thing happened to me, I've
10 been traumatized, and things have changed.

11 Q. For the anxiety medication, when did you start
12 taking it?

13 A. Anxiety or the depression, which one of those
14 two?

15 Q. Anxiety. When in your life did you first start
16 taking anxiety medication?

17 A. The anxiety I've been taking since December 13,
18 2016. And then the depression, I started taking it after
19 that.

20 Q. So you said previously that your whole life
21 you've been taking anxiety medication. When --

22 A. The depression I've been taking my whole life.
23 The anxiety medication, I just started taking it.

24 Q. When in your life did you start taking the
25 depression medication?

M. SANDOZ

1 A. Maybe about 15, 20 years ago. Since I was a
2 little boy.

3 Q. Do you know what hospital and where you were
4 diagnosed with depression?

5 A. I was in Puerto Rico.

6 Q. When did you move to New York?

7 A. I was keep coming back and forth. Since 2011, I
8 haven't gone back to Puerto Rico.

9 Q. Did you get prescribed depression medication by
10 any doctor while you were in New York before you were
11 incarcerated?

12 A. When I came here to New York, I never told
13 anybody. After starting asking questions, that's when they
14 noticed that I was depressed.

15 Q. Who started asking questions?

16 A. The prison. The psychologist and the
17 psychiatrist.

18 Q. But while you were in Puerto Rico, had you been
19 taking antidepressants?

20 A. Yeah. They were giving it to me.

21 Q. What is the name of the antidepressants you were
22 taking?

23 A. I don't know the name. I don't know what the
24 name of those pills.

25 Q. How long were you taking them once you received

M. SANDOZ

1 the prescription in Puerto Rico?

2 A. I don't understand. How many times?

3 Q. How many years had you been taking that
4 medication that you were prescribed in Puerto Rico?

5 A. I take it for about two months, and I don't like
6 the side effects because it affects me. So I take them
7 like that.

8 FURTHER EXAMINATION BY

9 MR. THADANI:

10 Q. Before you were incarcerated, did you ever take
11 antidepressant medication in New York?

12 A. Not in New York, no.

13 Q. Okay.

14 A. Only in prison. That's it.

15 FURTHER EXAMINATION BY

16 MS. BONILLAS:

17 Q. Only in prison and in Puerto Rico?

18 A. What are we talking about, New York? Are we
19 talking about Puerto Rico? What are we talking about here?

20 Q. The only times that you were taking the
21 antidepressants were first in Puerto Rico and then when you
22 were incarcerated?

23 A. Yes.

24 Q. Okay.

25 MR. THADANI: Okay. We have no further

M. SANDOZ

1 questions at this time. However, we are keeping
2 the deposition open pending the receipt of
3 several items, including our responses to our
4 interrogatories and requests for production of
5 documents, the receipt of the grievance that
6 Plaintiff purports to have filed, Plaintiff's
7 state medical records, and his mental health
8 records.

9 MS. BONILLAS: Thank you, Mr. Sandoz. This
10 is the end of the deposition.

11 (Whereupon, at 2:43 P.M., the Examination of
12 this witness was concluded.)

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M. SANDOZ

D E C L A R A T I O N

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I hereby certify that having been first duly
sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript
is a true and correct transcript of the testimony given by
me at the time and place specified hereinbefore.

MARTIN SANDOZ

Subscribed and sworn to before me
this ____ day of _____ 20__.

NOTARY PUBLIC

M. SANDOZ

1 E X H I B I T S

2

3 EXHIBITS

4

5 EXHIBIT EXHIBIT PAGE

6 NUMBER DESCRIPTION

7 (None)

8

9 I N D E X

10

11 EXAMINATION BY PAGE

12 MS. BONILLAS 4, 59, 66, 71

13 MR. THADANI 59, 65, 71

14

15 INFORMATION AND/OR DOCUMENTS REQUESTED

16 INFORMATION AND/OR DOCUMENTS PAGE

17 A copy of the grievance 53

18 Our responses to our interrogatories and 72

19 requests for production of documents

20 Plaintiff's state medical records and his 72

21 mental health records

22

23 QUESTIONS MARKED FOR RULINGS

24 PAGE LINE QUESTION

25 (None)

M. SANDOZ

C E R T I F I C A T E

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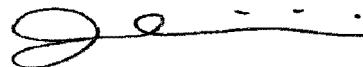
STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

I, JENNIE SIOLIDIS, a Notary Public for and
within the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given by that
witness.

I further certify that I am not related to any
of the parties to this action by blood or by marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 25th day of February 2019.



JENNIE SIOLIDIS

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